

MEMORANDUM

Agenda Item 14(B)2

TO: Honorable Chairman Joe A. Martinez, and
Members, Board of County Commissioners

DATE: March 20, 2012

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

SUBJECT: Conflict Waiver Request
Pittman Law Group, P.L.
Representing HCA Healthcare

Christopher Agrippa, Division Chief
Clerk of the Board Division

Pursuant to the provisions of Resolution R-1017-10, adopted at the October 5, 2010, Miami-Dade County Board of County Commissioners' meeting, the attached Conflict Waiver Request received from Pittman Law Group, P.L., in representation of HCA Healthcare is presented for the Board's consideration.

The report and recommendation of the staff of the Commission on Ethics and Public Trust and Mr. Pittman's letter dated February 22, 2012, are attached for your information.

CA/fed

AGENDA ITEM COVER MEMO

To: Miami-Dade County
Board of County Commissioners

Date: March 19, 2012

From: Michael P. Murawski *mpm*
Advocate for the Commission
On Ethics and Public Trust

Re: Conflict Waiver Request
Pittman Law Group, P.L.

Pursuant to the provisions of Resolution R-1017-10, the attached Conflict Waiver Request received from the Pittman Law Group, P.L. is being presented for the Board's consideration.


The report and recommendation of the staff of the Commission on Ethics and Public Trust is being submitted as a supplement to this item.

Biscayne Building
19 W. Flagler St., Suite 820
Miami, FL 33130
Phone (305) 579-2594
Fax (305) 579-0273

**Commission on Ethics &
Public Trust**
Miami-Dade County

Memorandum

To: Miami Dade County Board of County Commissioners
Date: March 19, 2012

From: Michael P. Murawski, Advocate 
Commission on Ethics and Public Trust

Re: Conflict Waiver Request/ Pittman Law Group P.L. (PLG), / HB 511 and SB 668

COE No.: K12-035

Background:

On February 22, 2012, the Commission on Ethics and Public Trust (COE) received a conflict waiver request from Sean Pittman of PLG. PLG is a lobbying firm with an office in, among other places, Tallahassee. PLG was awarded a governmental representation contract by Miami-Dade County (the "County"). In its waiver request letter, PLG advises that it has had a long standing representation arrangement with HCA Healthcare (HCA).

The passage of HB 511/SB 668 would have significantly reduced the County's workers' compensation drug costs by reducing the markup on some drugs from between \$6 to \$8 per pill, to less than \$1. The County supported the passage of HB 511/SB 668.¹

Investigation:

The COE conducted a fact finding inquiry which included:

- Discussion with Assistant County Attorney Jess McCarty.
- Review of HB 511/ SB 668.
- Review of conflict waiver request from PLG.
- Interview with Sean Pittman, principal of PLG.

¹ Florida's legislative session ended without a final vote on H.B. 511 and S.B. 668.

Analysis:

Pursuant to County Ordinance No.00-64, "no person or entity that received compensation from the County for lobbying on behalf of the County or any of its agencies or instrumentalities at either the state, national or municipal level shall represent any entity in any forum to support a position in opposition to a position of the County unless the Board grants a specific waiver for a specific lobbying activity."

Additionally, County Resolution No. 56-10 requires all County contract lobbyists to obtain a waiver from the Board for any actual or perceived conflicts of interest.

PLG advised that their representation of HCA does not involve any lobbying on their part, with regard to HB511/SB 668. According to PLG, their representation of HCA only relates to sale/lease issues. However, PLG is aware that HCA takes a position on HB 511/SB 668 that is in opposition to the County's position. PLG did not lobby on the HB 511/SB 668 issue on behalf of either HCA or the County.

Conclusion:

PLG represents HCA in various sale/lease issues, PLG is not retained by HCA to lobby against the passage of HB 511/SB668 and, in fact, did not lobby.

The BCC should grant a waiver to PLG in this matter.



PITTMAN LAW GROUP, P.L.
ATTORNEYS AT LAW

February 22, 2012

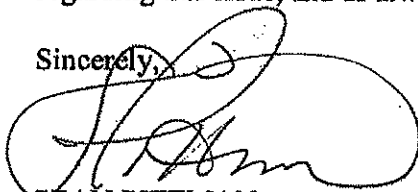
Jess McCarty
Assistant County Attorney
County Attorney's Office
111 Northwest First Street, Suite 2810
Miami, FL 33128

Dear Mr. McCarty,

This letter is to inform you of a potential conflict as it relates to my firm's representation of Miami-Dade County as well as my long term representation of HCA Healthcare.

We would like to respectfully request a conflict waiver to allow us to continue in our representation of HCA Healthcare. Please let me know if you have any questions or concerns regarding this issue, and as always feel free to give me a call at my office at (850) 216-1002.

Sincerely,



SEAN PITTMAN

SP/mss

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REPLY TO:

- ☐ Wilhelmina Square • 1028 East Park Avenue • Tallahassee, Florida 32301 • 850.216.1002 ph • 850.224.7477 fax
☐ 2655 North Ocean Drive, Suite 130 • Singer Island, Florida 33404 • 561.712.1072 ph • 561.845.7455 fax